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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/811,403

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Hiromi Sutou

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01/22/2008

MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C.

1800 DIAGONAL ROAD

SUITE 370

ALEXANDRIA, VA 22314

EXAMINER

BOUTAH, ALINA A

ART UNIT

PAPER NUMBER

2143

MAIL DATE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/811,403

Applicant(s)

SUTOU ET AL.

Examiner

Alina N Boutah

Art Unit

2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-54 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-54 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

This action is in response to Applicant's amendment filed October 31, 2007. Claims 15-27 have been newly added. Claims 28-54 have been newly added. Claims 1-54 are pending in the present application.

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on October 31, 2007 has been entered.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-12, 15-27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding independent claim 1: the claim recites in part: “a terminal to be remotely controlled from a distant control terminal through a network, the distant control terminal remotely controlling the terminal through the network comprising:

means for receiving a remote operation message from the distant control terminal through the network;

means for entering remote operation input information, extracted from the received remote operation message, into an operating system of said terminal.”

There are two issues with the claim. Firstly, it is unclear how the distant control terminal can receive a remote operation message from the distant control terminal. Secondly, it is unclear as to which terminal (terminal to be remotely controlled, or distant control terminal) the remote operation input is being entered.

Independent claims 2, 3, 15, 17 and 18 contain similar issue.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-12, 15-39 and 42-54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's Admitted Prior Art (hereinafter referred to as “AAPA”) in view of USPN 6,708,211 issued to Tingley et al. (hereby referred to as Tingley)

Regarding claims 1, 2, 15 and 17, AAPA teaches a terminal to be remotely controlled from a distant control terminal through a network, the distant control terminal remotely controlling the terminal through the network, comprising:

means for receiving a remote operation message from the distant control terminal through the network (specification page 1, lines 22-24);

means for entering remote operation input information extracted from the received remote operation message, into an operating system of said terminal (specification page 2, lines 1-5); and

history recording means for recording the remote operation input information in response to the remote operation input information as remote control history data (specification, page 2, lines 16-20).

However, AAPA does not explicitly teach the history recording means recording the remote operation input at the terminal being remotely controlled by the distant control terminal.

In an analogous art, Tingley teaches a client computer that receives controlling commands from an administrator computer (i.e. figure 9: 904), the client computer also tracks and logs all user activities (col. 1, lines 33-45) and transmitting the logged activity to the administrator (col. 2, lines 14-18). At the time the invention was made, one of ordinary skill in the art would have been motivated to store the activity at the computer being controlled in order to provide real-time tracking tool that would permit management personnel to track, record and/or control the use of a company-owned technology in a non-invasive manner (col. 1, lines 53-57).

Regarding claims 3 and 18, AAPA teaches a terminal to be remotely controlled from a distant control terminal through a network, the distant control terminal remotely controlling the terminal through the network, comprising:

communication control means for receiving a remote operation message from the distant terminal through a communication network (specification page 1, lines 22-24);

remote operation basic control means for entering remote operation input information extracted from the received remote operation message into an operating system of said terminal (specification page 2, lines 1-5);

history recording means for creating event data according to the remote operation input information for recording the created event data in a remote control history file (specification, page 2, lines 16-20); and

means for displaying remote control history information on a display screen of the terminal based on the content of said remote control history according to a request from a terminal user (specification, page 2, lines 16-20).

However, AAPA does not explicitly teach the history recording means recording the remote operation input at the terminal being remotely controlled by the distant control terminal and hooking means for capturing information supplied from the operating system of said terminal to an application program.

In an analogous art, Tingley teaches recording the remote operation input at the terminal being remotely controlled by the distant control terminal and hooking means for capturing information supplied from the operating system to an application program (abstract, col. 1, lines 34-50, line 67 to col. 2, line 12). At the time the invention was made, one of ordinary skill in

the art would have been motivated to employ a hooking means in order to capture data, allowing administrators to track user's activities, therefore facilitating in policies formulations, thus help control the network (col. 1, lines 50-53).

Regarding claims 4, 5 and 19, AAPA does not explicitly teach the terminal according to claim 2, wherein said remote operation basic control means generates a message for reflecting the change in a terminal screen in response to the remote operation input information to said distant terminal, and sends the generated message to the network via said communication control means. Tingley teaches generating a message for reflecting the change in a terminal screen in response to the remote operation input information to said distant terminal, and sends the generated message to the network via said communication control means (col. 4, lines 1-27). At the time the invention was made, one of ordinary skill in the art would have been motivated to generate a message for reflecting the change in terminal screen in order to allow administrators to track user's activities, therefore facilitating in policies formulations, thus help control the network (col. 1, lines 50-53).

Regarding claims 6-8 and 20-23, AAPA does not explicitly teach the terminal according to claim 1, wherein the history recording means includes means for automatically starting remote operation history recording when it is judged that remote operation input information from the distant control terminal or a terminal operation in response to the remote operation input information satisfies a predetermined start condition. Tingley teaches a history recording means includes means for automatically starts remote operation history recording when it is

judged that remote operation input information from the distant terminal or a terminal operation in response to the remote operation input information satisfies a predetermined start condition (col. 7, line 59 to col. 8, line 11). At the time the invention was made, it would have been obvious to one of ordinary skill in the art to include means for automatically start remote operation history recording in the history recording means in order to allow automatic remote monitoring without user's intervention, therefore making the operation more efficient.

Regarding claims 9-11 and 24-26, although neither AAPA nor Tingley explicitly teaches the terminal for a computer network according to claim 1, wherein the history recording means includes means for automatically stopping remote operation history recording when it is judged that remote operation input information from the distant terminal or a terminal operation in response to the remote operation input information satisfies a predetermined stop condition, Tingley discloses a condition that starts the recording (col. 7, lines 59 to col. 8, line 11). It is obvious to one of ordinary skill in the art that if recording starts, it has to stop eventually by certain condition in order to prevent the system from recording indefinitely.

Regarding claim 12 and 27, although neither AAPA nor Tingley explicitly teach the terminal according to claim 1, wherein remote operation history recording is stopped after a lapse of a predetermined time period from the start of remote operation history recording, it would have been obvious to one of ordinary skill in the art to stop the history recording after a certain period of time in order to prevent the system from recording indefinitely.

Regarding claim 16, AAPA teaches the terminal according to claim 15, wherein history recording means records in said memory, as a part of the remote control history data, transition of display which has occurred on said terminal display screen in response to processing the remote operation input information (specification, page 2, lines 16-20).

Claims 13-14 and 40-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over AAPA in view of Tingley, in further view of WO 99/13423 by Middleton et al. (hereinafter referred to as Middleton).

Regarding claim 13, AAPA teaches a remote operation history recording method for use in a computer network system in which one of a plurality of terminals is used as a control terminal for conducting remote operation of another terminal to be a remote controlled terminal, the method comprising the steps of:

 sending a remote operation message from said control terminal to said remote controlled terminal (specification page 1, lines 22-24);

 extracting remote operation input information from the remote operation message received by the remote controlled terminal, and executing a program operation at the remote controlled terminal according to the extracted remote operation input information up input of the remote operation message into an operating system of said remote controlled terminal (specification page 2, lines 1-5); and

storing, as operation history data, event information generated at the remote controlled terminal according to the remote operation input information (specification, page 2, lines 16-20).

However, AAPA does not explicitly teach the history recording means recording the remote operation input at the terminal being remotely controlled by the distant control terminal, and sending a message indicating the results of execution of the program operation from the remote controlled terminal to the control terminal; and storing, as operation history data, event information indicating the results of the program operation at the remote controlled terminal.

In an analogous art, Tingley teaches a client computer that that receives controlling commands from an administrator computer (i.e. figure 9: 904), the client computer also tracks and logs all user activities (col. 1, lines 33-45) and transmitting the logged activity to the administrator (col. 2, lines 14-18).

In another analogous art, Middleton teaches sending a message indicating the results of execution of the program operation from the remote controlled terminal to the control terminal (abstract, page 3, line 20, page 4, line 21; page 7, line 27 to page 8, line 24; page 9, lines 13-20); and storing, as operation history data, event information indicating the results of the program operation at the remote controlled terminal (abstract, page 3, line 20 page 4, line 21; page 7, line 27 to page 8, line 24; page 9, lines 13-20). At the time the invention was made, one of ordinary skill in the art would have been motivated to combine the teaching of Middleton with the teaching of AAPA in order to provide a system that tracks user's activities, thus allowing administrator to better understand user's interest (abstract).

Regarding claim 14, AAPA does not explicitly teach the remote operation history recording method according to claim 13, wherein the remote controlled terminal judges whether or not the remote operation input information extracted from the remote operation message received from the control terminal or a program operation executed in response to the remote operation input information satisfies a predetermined start condition, and if the predetermined start condition is satisfied, operation history recording is started at the remote controlled terminal to store event information based on the remote operation input information and event information indicating the results of execution of the program operation.

Tingley teaches a history recording means includes means for automatically starts remote operation history recording when it is judged that remote operation input information from the distant terminal or a terminal operation in response to the remote operation input information satisfies a predetermined start condition (col. 7, line 59 to col. 8, line 11). At the time the invention was made, it would have been obvious to one of ordinary skill in the art to include means for automatically start remote operation history recording in the history recording means in order to allow automatic remote monitoring without user's intervention, therefore making the operation more efficient.

Newly added claims 28-54 are similar to claims 1-27, respectively. The only difference is that the new claims recite "a terminal to be remotely controlled by a distant control terminal" as opposed to "a terminal to be remotely controlled from a distant control terminal" in claims 1-

27. The use of "by" as opposed to "from" have the same meaning, Therefore these claims are rejected under the same rationale.

Response to Arguments

Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

It is noted that during the interview dated April 4, 2007, the arts of record discussed were AAPA and Brunch. It was agreed that the amendment would overcome those two references. It was never agreed that it would overcome the Tingley or Middleton as alleged by Applicant in the remarks pages 23-24.

Conclusion

It is noted that the column, line, and/or page number citations used in the prior art references as applied by the Examiner to the claimed invention are for the convenience of the Applicant to represent the relevant teachings of the prior art. The prior art references may contain further teachings and/or suggestions that may further distinguish the citations applied to the claims, therefore, the Applicant should consider the entirety of these prior art references during the process of responding to this Office Action. It is further noted that any alternative and non-preferred embodiments as taught and/or suggested within the prior art references also constitute prior art and the prior art references may be relied upon for all the teachings would have reasonably suggested to one of ordinary skill in the art. See MPEP 2123.

The prior art listed in the PT0-892 form included with this Office Action disclose methods, systems, and apparatus similar to those claimed and recited in the specification. The Examiner has cited these references to evidence the level and/or knowledge of one of ordinary skill in the art at the time the invention was made, to provide support for universal facts and the technical reasoning for the rejections made in this Office Action including the Examiner's broadest reasonable interpretation of the claims as required by MPEP 2111 and to evidence the plain meaning of any terms not defined in the specification that are interpreted by the Examiner in accordance with MPEP 2111.01. The Applicant should consider these cited references when preparing a response to this Office Action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alina N. Boutah whose telephone number is 571-272-3908. The examiner can normally be reached on Monday-Friday (9:00 am - 5:00 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn can be reached on 571-272-1915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Alina Boutah
Patent Examiner
AU 2143